

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

77-1492

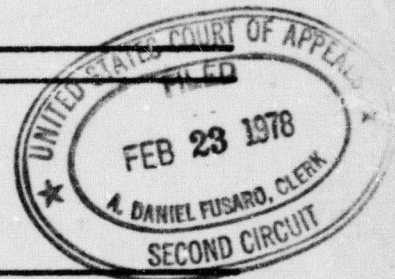
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,
Appellee,
-against-
RAYMOND PHILLIPS,
Defendant-Appellant.

B
P/S

On Appeal from the District Court of the United States
for the Southern District of New York

APPELLANT'S SUPPLEMENTARY APPENDIX



WILLIAM S. ELLIS
Attorney for
Defendant-Appellant
51 East 42nd Street
New York, New York 10017

Index to Supplementary Appendix

	<u>Page</u>
1. Exhibit 1 - Judgment and Conviction	136
2. Exhibit 2 - Transfer Authority	138
3. Exhibit 3 - Acknowledgement of receipt of Community Treatment Center rules	139
4. Exhibit 4 - Acknowledgement of receipt of copy of federal statute	140
5. Exhibit 5 - Request for Transfer	141
6. Exhibit 6 - Supplementary Patrol Report	143
7. Exhibit A - Pass Request	145
8. Exhibit B - Copy of rules of Community Treatment Center	146

United States District Court

FOR THE

RECEIVED

DISTRICT OF VERMONT

APR 11 1 28 PM '73

United States of America

U.S. MARSHAL
DISTRICT OF VERMONT

RAYMOND PHILLIPS

Criminal
No. 6808

W-52-C

2584-145

On this Ninth day of April, 1973 came the attorney for the government and the defendant appeared in person and by Counsel.

It is ADJUDGED that the defendant upon his plea of guilty has been convicted of the offense of violating Section 2312 of Title 18, of the United States Code,

as charged in the indictment and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It is ADJUDGED that the defendant is guilty as charged and convicted.

It is ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

It is ADJUDGED that said sentence to commence expiration of sentence now being served in State Court.

It is ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

JAMES S. HOLDEN
Chief United States District Judge.

EDWARD J. TRUDELL
Clerk.

A True Copy, Certified this

day of

April 1973

(Signed)

(By)

Clerk.

Deputy Clerk.

USA 33a-475
(ED. 4-23-71)

Good
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

1

*ED***RETURN**

I have executed the within Judgment and Commitment as follows:

Defendant delivered on **October 26, 1973** to **State Correctional Facility Windsor, Vermont**

~~Defendant delivered on~~

~~Defendant delivered on~~

~~Defendant delivered on~~

~~Defendant delivered on~~

Defendant delivered on **11/15/73**

to **Federal Correctional Institution**

at **Danbury, Conn.**, the institution designated by the Attorney General, with a certified copy of the within Judgment and Commitment.

No Previous Federal Time
on this charge

John DEWINTER.
United States Marshal
DIST. MAINE

By: *Coyle R. Meserve*
COYLE R. MESERVE.
D.B.

STATE "CORRECTIONAL"

RECEIVED
OCT 30 1973
FACILITY

RECEIVED
DIVISION OF REVENUE
U.S. MARSHAL
NOV 11 1973

RECEIVED

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
Federal Correctional Institution
Danbury, Connecticut 06810

TRANSFER AUTHORITY

IN ACCORDANCE with the authority delegated to me by the
Director of the Bureau of Prisons on

I HEREBY ORDER THE TRANSFER OF

PHILLIPS, Raymond
Name

25384-145

Reg. No.

FROM THE: FEDERAL CORRECTIONAL INSTITUTION, DANBURY CT.

TO THE: COMMUNITY TREATMENT CENTER, Broadway & 54th St., NYC
ROOM 610

FOR THE REASON OF: (299 Community Center)

Transfer effective 03-15-76 via
public transportation

This transfer is effected
under the provision of
paragraph (c) Section 4042,
Title 18, U. S. Code.

G. C. Wilkinson
G. C. Wilkinson
WARDEN

02-13-76
Date

Federal Correctional Institution
Danbury, Connecticut 06810

RETURN

PURSUANT HEREUNTO

I have this 15 day of March, 1976 executed
the above Order and committed the prisoner to the institution
indicated.

[Signature]
Name

[Signature]
Title

1. Receiving Institution.
2. Transferring Institution.
3. Bureau of Prisons.
4. File Copy.

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

2

SD

COMMUNITY TREATMENT CENTER
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
210 WEST 55th STREET
NEW YORK, NEW YORK 10019

Tele : (212) 572-6391

I Phillip Raymond B-253-84-145
Name of Resident Reg. No.

do hereby acknowledge the receipt in hand of a copy of the rules and regulations of the Community Treatment Center and, having had the rules and regulations explained by a staff member of the Center, acknowledge understanding of the rules and regulations and the consequences of any failure on my part to abide by them. I agree to abide by the rules and regulations of the Center and to conduct myself in such a manner as not to bring discredit on myself, the Center, or the Bureau of Prisons.

Signed

Raymond Phillip
Name of Resident3-15-74

Date

W. Timberlake
WitnessUSA 33a-475
(ED. 4-23-71)

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

3

Community Treatment Center
U.S. Department of Justice
Federal Bureau of Prisons
210 West 55th Street
New York, N. Y. 10019

140

ESCAPE

Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody of an officer or employee of the United States pursuant to lawful arrest, shall if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of an offense, be fined not more than \$5,000.00 or imprisonment not more than (5) five years or both; or by virtue of an arrest or charge of a misdemeanor, and prior to conviction, be fined not more than \$1,000.00 or imprisoned not more than (1) one year, or both.

Richard Phillips
SIGNATURE OF RESIDENT

KNIVES - GUNS - WEAPONS

TITLE 18 U.S.C. Sec. 1792

Whoever conveys into such institutions (any federal penal or correctional institutions), or from place to place therein, any firearms, weapons explosives or any lethal or poisonous gas, or any other substance or thing designed to kill, injure or disable any officer, agent, employee, or inmate therein or conspires so to do--shall be imprisoned not more than (10) ten years.

I have read and understand.....

Richard Phillips
SIGNATURE OF RESIDENT

Witnessed:

DATE:

3-15-76

W. J. Ambrose
SIGNATURE OF STAFF

USA 33a-475
(ED. 4-23-71)

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

4

FEDERAL CORRECTIONAL INSTITUTION
DANBURY CONNECTICUT

REQUEST FOR INTERVIEW

NAME RAYMOND PHILLIPS NO. 25384 DATE 1/16/76QUARTERS VERMONT DETAIL CABLE

I RESPECTFULLY REQUEST AN INTERVIEW WITH (CHECK AFTER NAME)*PLEASE PRINT*

WARDEN	()	CHIEF C & P	()	PROT. CHAPLAIN	()
ASSOCIATE WARDEN	()	EDUC SUPVR.	()	CATH. CHAPLAIN	()
CHIEF CORR. SUPVR.	()	CHIEF MED. OFF.	()		

CASEWORKER MR. Miller OTHER _____

FOR THE FOLLOWING REASON (MUST BE STATED OR REQUEST WILL BE RETURNED):

Consideration for transfer to C.T.C. for purposes
of obtaining employment and Residence permanency.

July 16, 76

Thank you
Raymond Phillips

DETAIL AND/OR QUARTERS COMMENTS: I do recommend Raymond Phillips
for his request. He is excellent worker and have very
good behavior.

(detail officer must comment if request is for job change)

DATE 1-14-76 SIGNATURE [Signature]

INTERVIEW REMARKS _____

DATE _____ SIGNATURE _____

DISPOSITION Reduce to minimum / Rec. approveC.T.C. New York CityD/MPostEXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.ID

APLICACION PARA UNA ENTREVISTA

NOMBRE _____ NUMERO _____ FECHA _____

CASA _____ TRABAJO _____

YO, RESPETUOSAMENTE SOLICITO UNA ENTREVISTA CON (MARQUE EL NOMBRE) POR FAVOR
USE LETRAS DE IMPRENTA.

WARDEN	()	CHIEF C & P	()	CAPELLAN PROTESTANTE	()
ASSOCIATE WARDEN	()	SUPERVISOR DE EDUCACION	()	CAPELLAN CATOLICO	()
CAPITAN	()	DIRECTOR DEL HOSPITAL	()		

CASEMANAGER SR. _____ OTRO _____

POR LA SIGUIENTE RAZON (DEBE EXPLICAR O LA APLICACION SERA DEVUELTA)

COMENTARIOS DEL SUPERVISOR DEL TRABAJO O DEL OFICIAL DE LA CASA

EL SUPERVISOR DEL TRABAJO DEBE DE PONER UNA RECOMENDACION SI EL PEDIDO ES
PARA CAMBIO DE TRABAJO.

FECHA _____ FIRMA _____

COMENTARIOS DE LA PERSONA QUE LO ENTREVISTE: _____

FECHA _____ FIRMA _____

DECISION _____

SUPPLEMENTARY PATROL REPORT

WESTCHESTER COUNTY PARKWAY POLICE

No. _____ Sheet No. _____
 Report to Sgt Lino Bulhoush Date 4/14/77
 From PO Vincent Henry #36 Time _____
 Subject Arrest 229 Robert Muller Poss Stolen Prop 1°

REPORT

Environ Rd, Scarsdale, N.Y.
 5/3.

On 4/14/77 at @ 0305 hr. P.O. John R. DiDomenico #121 called in a report that the operator, who later turned to be Robert Muller DOB 4/3/27 was sleeping in. It was a 1976 Pveg. Conv Dealer Reg XH 788. !

Part
EXHIBIT
 U. S. DIST. COURT
 S. D. OF N. Y.

6 ~~10~~

We returned to the scene and our interview was still with the car.

When asked who owned the car & what was he doing with it he didn't answer.

He then said his friend Frank Palmer owned the car but he left for help. When asked to describe Frank he began to describe himself. W/M 60" 156-160 lbs. Brown pants

I placed Mr. Muller under arrest and advised him of his rights at @ 0320.

When I removed Mr. Muller from the rear of my car to cuff him I observed the set of

(ALL NAMES AND ADDRESSES MUST BE PRINTED AND REPORTS MADE IN INK)

(over)

Keys to the Peugeot under pin.
The car was secured by Byrne Bros.
1976 Peugeot Rd Vin# 504A912413169 Conn Dealer
plates XH 788
Arrived at 11/3 0357

Date and Time turned in 04/14/77 0800

Report signed by

PO Vincent #26

Reference:

Certified As Correct

Arrest No. 27-9	Aided No.
Summons No.	Accident No.
Warrant No.	Alarm No.
Complaint No.	P. R. No.
D D Case No. 87	

By

Title

PASS REQUEST

TO: Center Director

DATE: 4/9/76

RESIDENT'S NAME

Raymond Phillips

SUBJECT: Request for Overnight Pass

I request approval for an overnight pass during the following time period. I will stay at the address listed and the person with whom I am staying will know my whereabouts at all times.

FROM: 4/9/76 7⁰⁰ A.M. TO: 4/11/76 11⁰⁰ P.M.
DATE TIME DATE TIME

Name of Person with whom staying Frank EllwoodRelationship: FriendStreet and Number: 324 West 84th St NYCity and State: New YorkTelephone Number: 799-

Raymond Phillips
Signature of Resident

EMPLOYED: _____ DATE STARTED: _____

Yes

No

Date of Last Paycheck: _____ AMOUNT: _____

APPROVED: Joe Morley DATE: 4-9-76

SIGN OUT Raymond Phillips 4/9/76 1:55 PM Jim
Name Date Time Staff Initial

SIGN IN Raymond Phillips 4/11/76 10:00 (initials)
Name Date Time Staff Initial

COMMENTS: _____

USA 32a-475
(ED. 4-23-71)

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

A

COMMUNITY TREATMENT CENTER
 DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF PRISONS
 210 WEST 55th STREET
 NEW YORK, NEW YORK 10019

Tele: (212) 826-4728

1. Do not leave the Center at any time unless you have permission from a staff member. You must sign-out each time you leave the floor, and you must have your sign-out time initialed by staff member. You must sign-in immediately upon your return to the Center, and this sign-in time must also be initialed by a staff member.
2. Drinking alcoholic beverages, gambling, and the use of narcotics are not permitted in the Center or while on pass. Residents are tested periodically for the use of narcotics. Resident's rooms are inspected periodically for contraband.
3. In most cases weekend passes for residents will begin Friday morning and end at 11:00 p.m. Sunday. Weekend pass requests must be filled out each Wednesday for staff to consider for approval. The following guideline is used by staff in considering weekend pass requests of unemployed residents.

First Weekend	-	Weekend Pass
Second "		(optional)
Third "		Pass from 8:00 a.m. to 11:00 p.m. Saturday
		Pass from 8:00 a.m. to 11:00 p.m. Sunday
Fourth "		No pass until Employed

Approval for weekend passes are also based upon the resident's overall adjustment and behavior.

4. All unemployed residents are to return to the Center by 5:00 p.m. each week day. After 5:00 p.m. residents are allowed to sign-out for 60 minutes to eat and for 30 minutes to make phone calls. Evening curfew is 11:00 p.m. All residents must be in the Center by 11:00 p.m.
5. Employed residents may sign-out until 11:00 p.m. on Monday and Wednesday if approved by their Case Manager. All employed residents must return to the Center on Tuesday and Thursday immediately after work.
6. All residents must be in their rooms at 11:30 p.m. for a bed check. After the check is completed residents may stay in the lounge but are not permitted to visit each other's rooms after 11:30 p.m.
7. All residents are to be out of bed by 7:00 a.m. and out of the Center by 8:00 a.m. unless otherwise instructed. After you become employed and receive your first pay check, you will be required to purchase your own alarm clock, and the responsibility for being at work on time will be yours. Employed residents who must be awake before 7:00 a.m. may put their name on the early wake list at the desk. We will, awaken you at the time designated by you until you receive your first pay check.

8. You must make your bed before leaving the Center each day. Your room must be kept neat and clean at all times.

147

9. No personal phone calls will be made on the pay phones in the lobby after 10:30 p.m. You must always sign-out to make a phone call.

10. You may have authorized visitors in the lounge during the evening hours until 10:30 p.m. Guests are not permitted to visit you in your room. Residents who are visiting each other in their rooms must keep the door completely open at all times.

11. Your mail should be addressed as follows:

Your name:
Room Number:
38 W. 31st Street
New York, New York 10001

It is not necessary to put Community Treatment Center on your mail. Your mail will be given to you by a staff member. Residents are not allowed to visit the mail room in the lobby. You may have friends or relatives call the Center to leave a message for you. You may not utilize staff phones.

12. You must obey the instructions of a staff member. You are required to participate in all Center programs unless otherwise instructed.

13. You are responsible for your room key. Keys will be given to the staff member at the desk before you leave the Center.

14. Do not discuss your status in the Center or Center affairs with the tenants in the building. You are not permitted to visit or loiter on other floors in the building, the building lobby, or the area immediately outside the building. All residents are required to use the rear elevator at the Clark Apartments.

15. Employed residents must show their paystubs to the staff member at the desk each pay day. Failure to show paystub can result in cancellation of pass privileges and other disciplinary actions. Residents may be required to place part of their earnings in a sheltered savings account at the Empire Savings Bank.

16. Driving motor vehicles, opening charge accounts, or receiving loans is not permitted while you are a Center resident.

17. You are responsible for paying for any property you deface or destroy.

18. Do not carry on your person any weapon of any kind. This includes knives and razors.

19. Each resident may be charged \$2.00 per day rent after he has been employed for thirty (30) days.

DEF.

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

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EX
ft

20. Residents may receive \$4.00 per day in meal tickets for use at the Central Luncheonette at the corner of 29th Street and Broadway. You will receive no meal tickets after the receipt of your first pay check. Residents who sign-out on weekend pass will only receive \$2.00 for a meal ticket upon departure in the morning. No meal tickets will be issued after 10:30 p.m. seven days a week, and on Saturday and Sunday to the resident on weekend pass.
21. Residents who have been at the Center at least a week may receive \$5.00 per week for transportation and personal expenses. You may not receive subsistence money after the receipt of your first pay check. All requests for subsistence money must be filled out on Wednesday evening for the next week.
22. Residents who are employed and are no longer in need of monetary support in the form of meal tickets or MSA funds, may be considered for transfer to the other Center units at the Bryant and Woodward Hotels.
23. Returning to Center from pass on time is a very important responsibility. Lateness in returning from pass may lead to serious disciplinary action.

ADJUSTMENT DIFFICULTIES

Residents who violate Center rules, or lose employment because of their own actions may be reduced in pass privileges or face other disciplinary actions. In such cases, reports of rule violation can be submitted to the Board of Parole. Misbehavior can also result in transfer back to institutional custody and/or delay release, or any other action directed by the Bureau of Prisons or the Board of Parole.

COPY RECEIVED
ROBERT B. FISKE JR.
FEB 23 1978
U. S. ATTORNEY
SO. DIST. OF N. Y.